ABSTRACT

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LEGISLATIVE COHESION, THE GEORGIA LEGISLATIVE BLACK CAUCUS, AND THE SECOND CONSTITUENCY: A CASE STUDY

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This study explored factors that impact roll-call vote cohesion within the Georgia Legislative Black Caucus (GLBC) of the House of Representatives in the Georgia State Legislature. The study evaluated the premise that members of the GLBC should vote for issues supported by the caucus (their second constituency), even when those issues conflict with the policy preferences of their district (their primary constituency). A case study analysis approach was used to analyze data gathered from one roll call vote, evaluate the general policy aims of the GLBC, and assess interview data. Findings suggest that the GLBC votes in a less cohesive manner on selected topics than does the House as a whole. The conclusions suggest that roll-call vote cohesion is not the most effective measure of group or policy cohesion in the GLBC.
LEGISLATIVE COHESION, THE GEORGIA LEGISLATIVE BLACK CAUCUS AND
THE SECOND CONSTITUENCY: A CASE STUDY

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CHAPTER I
INTRODUCTION

Black solidarity is a thorny question. Like many things that have thorns, there is often something of great value concealed behind the danger; in the present case, the danger exists of misrepresenting what it means to be black, to have the best interests of the black community at heart, and whether it is possible to be in solidarity with someone with whom one disagrees. These are always important questions, no matter the issue. The sincerity of legislators and legislatures is of paramount importance to many or most Americans. The political and policy motives of lawmakers worry many and perhaps should worry all. These questions are of importance in reference to black elected officials because the officials may be perceived as representatives of both the district from which they are elected and the larger black community. Three reasons can be identified why black elected officials may be expected to represent or serve two potentially overlapping constituencies.

First, black legislators are often tasked with bearing a particularly large rhetorical burden. This should come as no surprise to an attentive student of current events, especially one who was attentive during the first term of President Obama. This rhetorical burden is the burden of representing, to a nation that quite often simply does not understand, the struggles, needs, and strivings of an entire race.
This burden is often thrust upon black public figures, although less and less in recent years. The American public has slowly come to realize that it is not at all fair to ask, for instance, that the Reverend Al Sharpton speak for all black Americans, it is neither fair to them nor to him. But, it may well be fair to ask that black politicians speak for the “black community.” The logic, of course, goes that these are men and women who have been elected to represent black people. The absurdity of such a rhetorical burden is addressed through this research.

Second, black legislators have very often framed as being heirs to a tradition of subversive but genuine black political participation. Such participation is subversive, in the sense that it takes the institutions that have historically served entrenched power structures and turns them against those same power structures and for the benefit of marginalized groups. Such participation is genuine, in the sense that it has been understood, by and large, not as the destruction of the mechanism that it employs, but rather as the perfection of that system (i.e., the process by which the American political apparatus finally begins to perform the role that it was always meant to fulfill).

Finally, black legislators are often the only ones who are willing to stand up for the particular needs and interests of predominantly black communities. They are very often the only ones—and many times the first—to stand up against abusive policing practices and who insist on new policies necessitating the use of force, or the mandatory use of body cameras, by law enforcement. They are often the only ones in whom the political will exists to force the American political machine to value black interests and black lives on a par with white lives.
The motivations of black legislators, especially in the south of Georgia, are of particular interest. One must interrogate the degree to which these elected officials attempt to represent black interests, not necessarily because it is necessary that we judge them, but rather because without such an interrogation it is all but impossible to unravel the sticky web of motivations that cause blacks to act the way they do. Additionally, it is essential that one not forget that individual human motivations are, as mentioned, complex and sticky, and in any event that any single legislator can do so much. One should also consider the motivation and actions of a distinctively black political body.

Much has been written on the goal of understanding how black caucuses work at the national level. It is hard to fault the authors such an emphasis; it is quite clear that the Congressional Black Caucus has more impact than any one state caucus could. Yet, it is important to keep in mind that national politics are not state politics. The job of a state representative is not an especially financially rewarding or prestigious one; it is not one to which any representative devotes all of their time or entrusts their whole livelihood. Representatives in state legislatures receive far less scrutiny than do representatives at the national level; even in cases in which particular actions of a state legislature are heavily scrutinized, in states such as North Carolina. In most cases, the individual state legislator goes almost unnoticed.

To limit the exploration of black caucus behavior to national deliberative bodies, important perspectives and critical assessments might be missed. The pressures on members of a state-level black caucus, like the GLBC, may differ from the pressures on and political context of a national black caucus; therefore, one should consider that
political behaviors are correspondingly different. What is needed, ultimately, is an
inquiry into a modern black caucus of a state legislature, as is done through this research.
CHAPTER II

LITERATURE REVIEW

The literature review examines interrelated concepts of significance to the present investigation. The review begins with a history of the Georgia Legislative Black Caucus and then examines the second constituency hypothesis—essentially the belief that black legislators will act to advance the interests of black Americans, even those who are not their own constituents. The discussion covers elements of the literature that address legislators’ motives for political behavior as well as the effectiveness of those attempts. From there, it moves on to an examination of caucuses as formal political bodies and as informal, sociopolitical ones. Finally, the chapter examines the relatively scant literature concerning the history of state black caucuses in the United States.

History of Georgia Legislative Black Caucus

It is important to provide a history of the Georgia Legislative Black Caucus. The state of Georgia became a part of the Confederate State of America in 1861. Georgia was a slave state, and the Atlanta burning became a stain on the history of the state and economically devastated the Confederacy. When Reconstruction ended in 1875, Democratic Party rule ensued, and black citizens became second class citizens, losing their political muscle

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during the Jim Crow era.² It was during the 1950s and 60s and Martin Luther King, Jr.’s activism that blacks in Georgia gained in power and influence.

Between 1907 and 1962, blacks were barred from voting in state elections, including holding government positions. The passing of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 reversed this trend. In addition, three Supreme Court cases ruled against the Democratic Party by stating that the use of white primaries was unconstitutional. In 1965, eight blacks were elected to Georgia’s House of Representatives: six from Atlanta, one from Columbus and one from Augusta.³

Within 10 years, by 1972 there were 14 black members serving in the state assembly. Senator Leroy Johnson, the first African American elected to a political office, began gatherings the black legislators to discuss the issues that impacted African Americans.⁴ In 1975, The Georgia Legislative Black Caucus was formed, and Representative Benjamin Brown⁵ served as its first chairman.

Today, the Georgia Legislative Black Caucus (GLBC) is the largest and most progressive black caucus in the nation.⁶ There were 60 African-American state legislators during the 2017-2018 session.⁷ The GLBC set forth the mission of protecting the welfare

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² Holmes, Georgia Legislative Black Caucus, 2000.
³ Ibid.
⁴ Ibid.
⁵ Ibid.
⁶ Ibid.
⁷ Ibid.
of African Americans, and other people of color, in health, welfare, education, criminal justice and employment, etc.\textsuperscript{8}

**The Second Constituency Hypothesis**

Melisa Williams analyzed the politics of minority group representation in deliberative democracies.\textsuperscript{9} She suggested that a proportional representation will not allow any body in which decision-making is “competitive and majoritarian” to accommodate minority concerns simply by minority voting. This is because of the majoritarian model: if one supposes that there is not much support among the nonminority groups for the minority groups’ proposals, there is no mechanism by which the minority groups can enact their policies. More importantly, if one assumes that the deliberative process is strictly rational, there is no way by which the minority groups can acquire power. Williams argued forcefully that the conventional methods adopted by political blocs are only useful when the majority, or a party with the potential to become a majority, is at least ideologically amenable to the political aims in question. For Williams, the fundamental method by which minority representatives accomplish their political goals is through sharing of reasons, designed to convince others that their strategy is the correct one, and not political bargaining. However, Williams’ critique seemed primarily applicable to ideological minorities (e.g., the Green party) rather than demographic ones.

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Broockman conducted two field experiments to examine the effect of (1) constituents race and (2) representatives’ race on the behaviors of state legislators.\textsuperscript{10} Broockman contacted over 6,000 state legislators using a putatively black alias, seeking help with unemployment benefits. The variable manipulated was the location in which Broockman purported to live: in some cases, he claimed to live within the representative’s district; in others, he claimed to live far from it. He found that the response rate from white legislators declined substantially when the political payoff was lower (i.e., when Broockman purported to live far from their district), but that the response rate from black representatives exhibited a much more attenuated decline. Broockman argued that this demonstrated that “black politicians are more intrinsically motivated to advance blacks’ interests.”\textsuperscript{11}

Butler and Broockman\textsuperscript{12} also examined whether state legislators racially discriminate against their constituents. They contacted over 2,000 state legislators, (white and black), varying between using a putatively white and putatively black alias. They found that white representatives were more likely to respond to the putatively white alias, and minority legislators were more likely to respond to the putatively black alias. The effect persisted even when partisanship signalers were used; which means that it is not


\textsuperscript{11} Broockman, “Black Politicians are More Intrinsically Motivated to Advance Blacks’ Interests.”

\textsuperscript{12} Daniel Butler and David Broockman, “Do Politicians Racially Discriminate Against Constituents? A Field Experiment on State Legislators,” \textit{American Journal of Political Science} 55, no. 3 (July 1, 2011): 463-477.
likely that white Republicans, for instance, assumed that black constituents would not be likely to support them anyway, and consequently decided not to devote their time or resources to assisting those individuals, because of the propensity for black voters in America to vote Democrat, or that black Democrats decided that white voters were less likely to support them. The findings suggest that strategic concerns were not the primary determinant of racial bias. However, it is also possible that there is a tendency for black representatives, at the subconscious level to think, that white constituents are less likely to support them, and vice versa. It would be worthwhile to investigate whether this thinking holds true for black Republicans and white Democrats.

Similarly, Minta and Sinclair-Chapman found that diversity in Congressional representation increased legislative responsiveness to minority interests.\(^\text{13}\) Their research focused on the adoption of legislation favorable to minority groups or that serves minority interests rather than focusing on individual action; it may also be the case that a political climate that is conducive to greater minority representation within a legislature is also conducive to more responsiveness to progressive concerns like minority-friendly legislation. However, this work did at least suggest that there is a second constituency effect at work, and that legislators belonging to traditionally marginalized groups are likely to work on behalf of those groups.

Minta examined racial biases in Congressional representatives’ behavior with respect to legislative oversight committees.¹⁴ He found that, when controlling for party affiliation and political ideology, black representatives were more likely to participate in oversight committees that were explicitly race-oriented, but not more likely to participate in racially-neutral committees like the Welfare Committee. These findings underscore the point made earlier, that members of traditionally marginalized groups are likely to expend special effort on behalf of the groups of which they are a member. In this case, Minta did an admirable job of separating the effect of generally progressive movements from factors leading a legislator or group to advance the particular interests of a single minority.

However, Preuhs argued that despite a considerable increase in the number of ethnic minority lawmakers, scholars are unable to demonstrate that diversification of representative bodies increased minority group influence over policy decisions.¹⁵ These findings may be mainly due to underspecified empirical designs that did not account for the conditioning effects of racialized union membership. Or, to put it another way, it seems that Preuhs’ argument depended on the assumption that it is simply the number of lawmakers who are members of minority groups that is significant, rather than their modes and goals of organization.

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Preuhs is joined by Hawkesworth, who argued more forcefully that participation in legislatures will not significantly advance the cause of minority interests. Hawkesworth suggested that the nature of covert power structures within legislatures tends to marginalize black representatives within those legislatures, consequently reducing the efficacy of representation in advancing the cause of black constituents.\textsuperscript{16} However, Hawkesworth's argument, though an interesting critique of participation in power structures that are designed to disenfranchise all but the dominant groups, did not have nearly the force of the empirical evidence, rather but theoretical, arguments to be explored later.

\textbf{Caucuses as Formal Political Bodies}

Ferber argued forcefully that the most important aspect of unity in roll-call voting is that it allows the bloc exhibiting unity to negotiate effectively with other political blocs.\textsuperscript{17} Ferber suggested that caucus unity is an essential prerequisite of influence. This argument is a well-supported one. Ferber suggested that the factor differentiating a caucus from another group of likeminded individuals is that a caucus has the potential for an unwilling unity—the agreement of its members to agree on one course of action and then generally cohere with it, regardless of their personal feelings on the subject. In such a way, the enforced unity of a political caucus allows the political power of that caucus to be bartered, resulting in an exchange that benefits both political groups making the trade.

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Kingdon examined the voting patterns of United States Congressmen in the period from the 92nd Congress through the 104th Congress (1971-96).¹⁸ Kingdon found that political caucuses play an important role in legislative voting patterns. More specifically, Kingdon found that there is a remarkable degree of coherence in the voting records of caucus members across that time frame, greatly exceeding unity, interpreted just along party lines and especially exceeding unity in the Congress as a whole.

Pinney and Serra examined the Congressional Black Caucus specifically.¹⁹ They found that black representatives from across the country bear the heavy burden of both representing their constituents within their district and representing “Black America”—a second constituency that, despite having no directs power to elect or replace a black representative, nevertheless impacts voting records. The findings accord with those of Guinier,²⁰ who suggested that minority representatives have disproportionate rhetorical, political, and moral burdens placed on them when compared to majority representatives. These rhetorical and political burdens are discussed above, but it bears reiterating that Guinier essentially agreed with the fact that black representatives are called upon to represent black Americans in the sense of speaking for them and to represent black Americans in the sense of advocating policies that will benefit them. These burdens are

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not similarly placed, in a reciprocal fashion, on white legislators, because whiteness in legislatures has been the norm for such a long time.

Levy and Stoudinger examined the systems that produce voting consistency within a caucus. They found that its success is due in large part to the formal division of responsibilities within the caucus and the caucus’ channels for information dissemination. However, these formal structures were less influential in affecting the voting behavior of more senior members. Their results confirmed that experienced representatives had time to develop a network of informal contacts throughout the House of Representatives, and were less dependent on organized reference groups for voting cues.

Fenno proposed a theory of deliberative bodies intended to explain voting patterns within committees and caucuses. Fenno conceived of political action by any representative as being the product of individual goals and political contexts applied to strategic considerations. This will be explored in further detail in the chapter, but for now it suffices to say that Fenno found the Congressional Black Caucus to have behaved with consistency over a 20-year period, suggesting that at least in national deliberative bodies, race is a powerful unifying force.

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Caucuses as Informal Political Bodies

Sven Groennings illustrated the importance of a methodology that allows the investigator to treat individuals as emotional as well as rational decision-makers.\(^{23}\) He examined the hypothesis that legislative caucuses fulfill important social roles as well as political ones. Additionally, Groennings suggested that there is more to caucus influence than rational political machinations. There is also the fact that, at least in the realm of national politics, legislators spend a great deal of time together, and many of them spend much of that time with like-minded legislators. Social bonds are likely to form within caucuses, and such social bonds are therefore likely to have as much of an impact as formal political bonds. However, the impact of these social bonds, over and above political ones, is limited, because as mentioned above social bonds are likely to form within caucuses.

Fiellin examined the functioning of informal groups within deliberative bodies.\(^{24}\) He found that informal social groups operating within deliberative bodies provide a network for the dissemination of information that is trusted by recipients. Fiellin’s argument was that the central role of caucuses in directing the votes of their members is not so much exerting political pressure or bargaining for influence on behalf of its members, as it is providing these members with the information they need to determine how they ought to act, given their goals. Because their goals generally similar cohere, this


is often enough to produce unity in a caucus, especially as reactions to the dissemination of information can change based on how that information is framed. However, this research may be out of date and most likely modern communications technologies have centralized the dissemination of political information to at least some degree.

Gile and Jones explored black caucus voting, and premised their research on empirical research indicating voting cohesion in the Congressional Black Caucus (CBC), and adopted a decision-modelling approach that focused on individual representative preferences. They found that individual representative preferences are propagated through the CBC. The process could be political or social, but its informal nature and the incoherence of such influence with Fenno’s approach suggested that it is at least significantly social in nature.

**State Black Caucuses**

Dunn examined the hypothesis that black legislators exhibit cohesion in roll-call voting. By examining the case study of the 1970 Illinois Constitutional Convention, Dunn explored the context in which black legislators voted, allowing him to examine a more complex interplay of factors than a quantitative analysis would permit. Dunn examined cases in which a “specific ethnic interest” conflicted with the party interest, and found cohesion within black legislators even in the face of such a conflict, although the cohesion was attenuated. Although a constitutional convention, having higher stakes may

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make state legislators more susceptible to pressures that were hitherto fore the province of the national legislators alone, this is encouraging in that it sheds light on the possibility of cohesion within the black caucus in Georgia.

Holmes examined the voting behavior of Georgian Black representatives. He found consistency between the voting practices of black representatives and the social and economic policy needs of black Georgians; this consistency held even among representatives who were not from predominantly-black voting districts. The focus of the investigation was on the psychology of being a black representative in Georgia in the latter half of the 20th century. By examining the racial hostility that such representatives faced, Holmes raised a possible explanatory factor behind at least some of the consistency in voting patterns and suggested that black Georgian representatives see (or saw) themselves as acting in the vein of Henry McNeal Turner, a late 19th-century black Georgian representative and orator. He referenced a speech given by Turner, which read, in part, as follows:

I hold that I am a member of this body—I am here to demand my rights and to hurl thunder-bolts at the men who would dare to cross the threshold at my manhood. Never in the history of the world has a man been arraigned before a body clothed with legislative, judicial or executive functions, charged with the offense of being darker than his fellow man. Now Sir, I claim to be a citizen, I claim to be entitled to hold office.\(^{28}\)

More than just hypothesizing that black Georgian representatives saw themselves as participants in a storied history of black defiance of white supremacy, Holmes


suggested that black Georgian representatives see themselves as having a second constituency of *all* black Georgians, independent of voting districts.  

CHAPTER III
THEORETICAL FRAMEWORK AND METHODOLOGY

Solidarity and the “Second Constituency”

Williams suggested that in a deliberative body, minority agendas cannot be accomplished without persuasion.¹ However, Williams’ reasoning was unpersuasive because it ignored Ferber’s conception of the bartering of influence. More persuasive was Fenno’s account of legislative motivation and rationality. Fenno suggested that the actions of any representative are the product of (a) member goals, (b) environmental constraints, and (c) strategic limitations. With respect to the first point, the overriding member goal is generally re-election; subsidiary to that are roughly equal goals of good public policy and political influence. With respect to the second point, environmental constraints include the attitudes of other members of the deliberative body (both inside and outside the caucus), the broader political climate (e.g., the attitude of the executive branch towards policy), and the influence of party leaders. With respect to the third point, the twin strategic factors are universalism and partisanship.

The previously mentioned points appear to be at least somewhat contradicted by the literature demonstrating that black legislators are more likely to work to advance the interests of black individuals, even those who are not constituents. Such a preference is likely prerational or at least the result of concerns that are not tied to Fenno’s rationality in the way that Fenno would predict; it may be the result of rational consideration, but not dependent upon the motivating factors that Fenno identified. What is left is the hypothesis of a second constituency. The second constituency—which is a theoretical concept that may or may not map onto reality, is hence referred to as a hypothesis. It is the position that the concern that black legislators bear for advancing black interests generally is of the same nature, and perhaps also of roughly the same magnitude, as the concern that they bear more generally for advancing the interests of their constituents.

There are two things about this construct that must be addressed. First, it fits quite neatly into Fenno’s schematic of legislator rationality. It can be interpreted as a concern at par with “good policy” and subsidiary to, but contributing to “getting re-elected.” The second thing is that it is wholly inconsistent with Fenno’s own beliefs about what a legislator considers important in his decision-making process.

The Case Study Approach

A case study is most appropriate when assessing the motivations of real people rather than abstractions or generalizations. An observational case study such as this one can be considered as the polar opposite of statistical analysis by experimentation, with correspondingly opposite outcomes. The observational case study is intended to provide insight into the why of legislative coordination in this case; it is intended to provide a
framework within which we can propose motivations and possible justifications for action and evaluate them for consistencies against the facts observed in this case.

The qualitative case study is described in the literature as being of the greatest usefulness not when attempting to predict responses to scenarios which can be rigorously (and ideally quantifiably) defined but rather must be described qualitatively and with an inherent and irreducible subjective component: the case study is most appropriate for investigating “a contemporary phenomenon within its real-life context” and is strongest in cases where “the boundaries between phenomenon and context are not clearly evident.”2 The case study method wears its biases and suppositions on its sleeve, as it were, but when one attempts to study human action through the lens of objectivity and quantifiable data one cannot help but smuggle in biases and suppositions by which one reduces messy real-world scenarios to neatly ordered numbers. The case study is consequently highly appropriate for examining phenomena of political science and human coordination.3

Rigorous, objective, and quantifiable science is indistinguishable from the consideration of innumerable case studies under particularly confining theoretical frameworks. It is not meant that the case study is a special case of the statistical analysis, or vice versa, but rather suggests that any rigidly drawn bright line between a case study (from which, ex hypothesi, it is impossible to generalize) and a rigorous analysis from


which one can generalize, is inaccurate. Indeed, the phenomenology of human learning suggests that the case study is the fundamental unit of learning.\(^4\)

The generalization from a single case study is possible only where the case study chosen has the potential to disconfirm a hypothesis and actually does disconfirm it.\(^5\) In practice this means more than just disproving erroneous beliefs and returning to a null hypothesis that makes no claims. Rather, as Flyvbjerg’s example of Galileo’s case study suggested, a properly-chosen case study can itself be proper grounds for generalization. As Galileo needed, only one case to prove that the speed at which an object fell was not dependent upon its weight, so too do we here need few cases—and perhaps only one—to evaluate cohesion within the black caucus, provided that this case or these cases are well-chosen.

**The Qualitative Method**

Case studies indeed use qualitative methods which are utilized in this study. Qualitative methods are “essentially descriptive in character.”\(^6\) Qualitative methods are, consequently, inappropriate for scenarios in which the practical effect of descriptive analysis would be an inundation of nondifferentiable data. They are highly appropriate for scenarios in which there is a paucity of data that could, through the proper interpretive lens, be highly meaningful. Too, they are highly appropriate for scenarios in which it is difficult to determine where phenomenon ends and context begins; in other words, they

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\(^5\) Bent Flyvbjerg, “Five Misunderstandings about Case-Study Research.”

are ideal for the evaluation of human behavior that occurs in patterns small enough to evade a rigorous statistical analysis.

The application of the qualitative to the present case should be altogether clear. Objective research techniques could inform one of the voting patterns of black caucuses, but would either fail to put those results in context or would run the real risk of concealing projected biases under the veneer of scientific objectivity. Neither result is acceptable for the purpose of this study. With respect to objective research, that of failing to put the results in the correct context, consider the possibility that a genuine and deep rift was found within the black caucus on a particular issue, that this was shown statistically to be the case, and that in fact this rift was even shown to be present in all roll call votes in which the GLBC considered such an issue. Two possible ways are available for understanding the result: the first is that the GLBC is highly ineffectual, and the second is that the GLBC, for one reason or another, was not especially committed to one perspective or another on that kind of legislation and consequently did not waste its time attempting to enforce unity. But without the context that qualitative methods could provide, one would be incapable of reaching a determination as to the condition of reality. In a qualitative approach, of course, one could look deeper, and find in the one case that senior caucus officials all came down on one side of the issue, and clearly attempted to exert their influence in furtherance of their agenda; in the other case, that senior caucus officials and even close friends were quite split but remained in solidarity on other questions.
CHAPTER IV

THE CASE STUDY: “TOUGH ON CRIME”

The case chosen for the present investigation is the Georgia General Assembly’s House Bill 67: “Crimes and Offenses; Entering a Motor Vehicle with the intent to commit a Theft or Felony; Provide for Increased Punishment.” The bill was selected for two reasons: first, there were relatively few bills passed since the most recent incarnation of the GLBC began on which the house was sharply divided (and fewer still upon which the Senate was sufficiently divided for interesting analysis) and because this bill has a significant connection to black interests in Georgia, for two reasons. The first reason is that it is black Americans (and consequently black Georgians) who disproportionately live in lower-income neighborhoods and within what have been referred to as localized—as distinct from geographically homogenous—pockets of disadvantage. Black Americans who are disproportionately prosecuted for criminal acts, especially property offenses and drug offenses, fall within the realm of lower-income criminality.

Carjacking is just such a crime; it is more common in poor neighborhoods than wealthy ones, it requires little in the way of special access or tools to perform, and it can

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be carried out on a moment’s notice. The black community has a particular interest in ensuring that the punishments for carjacking serve two purposes: the deterrence of prospective offenders and the rehabilitation of those who do offend. Any such bill proposing an alteration in the punishment for a felony of this nature would be similarly relevant.

The second reason is related to the first: for the same reason that black Americans are more likely than white Americans to have low socioeconomic status and live in neighborhoods of low socio-economic status, and consequently to commit property crimes, they are also more likely to live near those who will commit such crimes and consequently to become victims of these crimes. For this reason, black Americans have a compelling interest in (1) deterrence of prospective carjackers, (2) rehabilitation of those who do offend, and (3) isolation of those who cannot be rehabilitated—and it is with respect to interest that the interest of the broader black communities does not necessarily intersect with respect to the interests of individuals who may be subject to the criminal justice system.

There are two commonly advanced perspectives on enhanced enforcement and steeper penalties in response to elevated crime, at least with respect to the appropriate methods and rates of criminality—and in particular violent crime—in black neighborhoods is to be reduced. The first is to say that draconian measures, or at least highly elevated enforcement, may be in the short term detrimental to those who are directly affected by them, and perhaps even to their families, but they are on the long run beneficial to black neighborhoods because they make those neighborhoods safer, and a
safe neighborhood is likely to produce a generation of law-abiding citizens with happy and productive lives.

It is tempting to trivialize this perspective, as some in the left-leaning academic circles have done, by dismissing it as reactionary nonsense that misunderstands the causes of criminality and endorses authoritarianism. On such a stance, especially in account of recent events, we might call the first perspective the “Cosby approach.” There is more to it than sociological naivété that many assume. To have a preference for harsh enforcement measures compared up to a preference for authoritarianism or a simple naivété, is to ignore the very real experiences of those who have grown up in such neighborhoods and who that nothing short of aggressive policing and punishment can protect future generations in those neighborhoods. I say all of this not because I am especially interested in mounting a defense of this perspective but rather because, as we shall see in this case study, it is necessary to appreciate that a preference for harsh punishments is not necessarily a “selling out” of black interests.

The second perspective on policing and the criminalization mechanisms in place in black neighborhoods is the more sophisticated approach. It is for this reason that it is the one generally advocated by sociologists and political theorists who address the issue. The second perspective can be briefly summarized as follows.

Criminal justice in America, and especially in the South, has a retributive component, a deterrent component, and a rehabilitative component. The degree to which any of these three components is operative in a particular context is largely a question of the implicit and explicit goals of influential actors within that context. Granting for the sake of argument, that the criminal justice system, as it “normally” operates in America,
does in fact adequately serve the goals of deterrence, (retribution, and rehabilitation) probably does not, serve to black communities, for a number of reasons. The most prominent of these is the very subtly (and probably unconsciously) racist and classist attitudes adopted by many involved in the criminal justice system, from judges to jurors to correctional officers. Guided by such actors, the criminal justice system deters only slightly, rehabilitates not at all, and is almost completely focused on retribution.

The criminal system that focuses on retribution so the argument goes communicates its concern for black communities through an overzealous punishment that does not at all accomplish the goal of protecting those communities. It does not really prevent criminals from committing crimes in the neighborhoods, either by deterring them or by capturing and then rehabilitating them so they no longer seek to offend. In many cases, institutionalization accomplishes a sort of inverse rehabilitation, where a morally upright citizen who fell briefly astray becomes more intractably criminal due to the hardening influence of exposure to violent criminals.

These two arguments, hit home the strongest when they are placed in the context of black communities and criminality, abstracted from their focus on black communities and generalized to arguments for and against draconian punishment. In such a context, it is common to see Democrats lean towards laxter, more rehabilitative punishment, and Republicans to leaning towards stricter punishments. All of this laid the groundwork an illuminating case in the Georgia General Assembly’s history.

There are numerous aspects about the present case study; it is a law that increases the punishment for carjackings and attempted carjackings. The bill was sponsored by Sharon Beasley-Teague, a black Georgian legislator for the past 20 years who has strong
progressive credentials. She is a member of the GLBC, is a Democrat, and has also sponsored legislation protecting the victims of domestic violence. The other five sponsors of this bill, however, were white Republicans. Although this would in theory indicate broad bipartisan agreement on its importance of, this bill actually brought about a great division in the 2017-2018 session and, judging by past trends, also led to a divided House. The overall roll-call count for this bill in the House was 151 affirmative votes to 18 negative votes, with 4 abstentions. This obviously does not demonstrate a fractured House. Rather, it indicates that the bill was more controversial than the majority of bills that go through the House, and it was also generally popular. Approximately 10 percent of the House voted against this bill, and approximately 2 percent of legislators abstained from voting.

The case becomes more interesting when one compares the behavior of the GLBC to the behavior of the House as a whole. Of the thirty members of the GLBC, four individuals voted against the bill. This indicates that the GLBC was, in fact, slightly more divided than the House as a whole, although with such a small sample, the difference was not of any significance. The finding is that there does not appear to be any difference in the behavior of the GLBC and the House as a whole with respect to voting against this bill. Perhaps even more importantly, three of the four abstentions came from the GLBC. While the House’s overall abstention rate was approximately 2 percent of votes, the GLBC’s rate was five times that. Again, it would be potentially improper to impute, with such small samples and single cases, as to the any predictive significance of the results. It

shows that the GLBC was just as divided on this issue as the House as a whole was, and when one counts abstentions, the GLBC was even further away from the consensus. However, in the context of other “no” votes, these results take on greater significance.

Within the GLBC, the four negative votes came from Representatives James Beverley (D), Howard Mosby (D), Michael Smith (D), and David Wilkerson (D). With the exception of Mosby, all were inaugurated on or after 2011, making them relatively new representatives. Moreover, all four of them appear to have relatively strong progressive credentials, a judgment which was made by considering their records and examining (a) the attention paid in their sponsored legislation to minority interests and (b) the overlap between their sponsored legislation and corporate interests. The three abstentions, by contrast, came from older and somewhat less active representatives.

There were three other significant no votes by which must be briefly addressed: Representatives Gilliard (D), Cannon (D), and Shannon (D). All three representatives are black, and all none of them are in the GLBC. The other “no” votes are primarily white Republican legislators.

**Evaluation for Cohesion**

Carjacking actually impacts all communities and is a crime that is committed by many young black men. One would think that more carjacking would occur in more affluent neighborhoods than disadvantaged, yet this is not the case. This is one of those unfortunate examples of black on black crime, where thieves are stealing from their own, and keeping everyone from prospering. Establishing stricter penalties for these crimes
that would not only get current carjackers off the street, while serving as a deterrent for prospective thieves one would think would be a good thing.

The problem exists in the fact that this issue cannot be simply viewed from the point of simply punishing criminals and deterring criminal behavior, and this is the reason that upon observation, the GLBC exhibits disunity. When blacks are elected into political positions, they campaign and are elected on platforms that promise to make laws more equal for blacks. Often, the lack of representation leads to far too many injustices for minority populations. Unfortunately, black Americans, especially those from low socioeconomic statuses are more prone to commit crimes because they live in food deserts, lack access to public transportation to get to jobs etc. Because of this, black Americans often live next door to those who commit crimes.

Although the GLBC did not exhibit exceptional disunity, it was no more disunified than was the body as a whole; these findings speak somewhat strongly against the position that the GLBC exhibits cohesion, especially with respect to issues that are of paramount importance to black Georgians in particular. Simply put, the goal of a caucus is to produce unity in its members, and a caucus that is no more unified than the body as a whole, fails in its goal of producing unity, especially when one considers two facts: first, individuals who are inclined to caucus together are likely to be ideologically similar; and second, caucuses based on party lines do in fact do an excellent job of producing unity in voting behaviors in their party members.

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The above argument does not undercut the unity argument. In that, turning as it does on whether or not, harsher punishments are actually efficacious in reducing crime rates, and individual legislators can have differing opinions on issues while still having the same ultimate political and ideological goals. The mark is missed for two reasons. The first is that whatever practical disagreements individuals may have about the best way to achieve the goals that they ultimately agree on, they should also be aware that such questions are best reserved for internal discussion and that a unified front is politically advantageous, especially when the legislation in question seems highly likely to pass, as is the case here. The second reason is that whatever the ultimate disagreement is or is not, the ultimate goal of a caucus is to increase the political influence of its members by inducing them to vote the same way. Even if the disagreement counters a deeper agreement between members, the caucus has failed in its goal when it does not convince all members to vote the same way.

As mentioned above, the argument about the reason for non-cohesion can be relatively weak one. The weakness can be seen from Ferber’s perspective to underscore the lack of unity within the GLBC. According to Ferber’s perspective, the function of a caucus is not just to get individuals to agree and vote together but also to get them to vote together when they do not agree, because that is what allows the caucus to have political influence when it is at a numerical disadvantage. In such a case, a caucus that has little prospect of achieving its agenda through a simple majority could at least achieve portions


of its agenda by bartering its influence, saying, in effect, “you need twenty more votes to pass your credit rating bill, and we have twenty-five members who are not in your party. We need your party to pass our police cameras bill,” thereby accomplishing portions of its agenda that would otherwise not happen. The Ferberian approach is, at least based on this example, not likely to work for the GLBC. It should be altogether obvious why that is the case. Whatever the ultimate intent was, HB 67 was sponsored by five white Republicans and one black Democrat, and a senior member of the GLBC. This is exactly the sort of sponsorship scenario one might expect from such an arrangement, and yet one sees that the GLBC was less supportive of the law than the House as a whole (and indeed than other Democrats in the House). In the face of such a showing, the GLBC members might find it very hard to barter political influence. It would appear, from this bill, that the party, caucus, or individual participating in such a bartering agreement would not at all benefit in exchange for the benefit that it conferred upon the GLBC.

There is, too, a nearly-decisive argument against the possibility of social cohesion suggested by Levy and Stoudinger⁷ that a caucus produces cohesion through both political and social factors, and that with respect to both influences, it is the more senior members who are less susceptible to those influences. With respect to the political influences, Levy and Stoudinger argued that an individual legislator is susceptible to the political influence of a caucus because a caucus (1) helps the individual legislator accomplish his personal policy goals, so long as he “plays by the rules,” and (2) connects the legislator with a network of fundraising and advocacy that will help him to be re-

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elected, which as Fenno suggests, is his foremost goal. For these reasons, junior legislators may be the most susceptible to these pressures. Junior legislators are disproportionately vulnerable to a primary challenged or to challenge by an incumbent from another party. The reasons for this should be obvious: they have fewer political chits that may be cashed in, and especially in state legislature races, they have almost nonexistent name recognition. Their ability to mobilize supporters and attain reelection is therefore sharply limited. The second reason is that junior legislators are more likely to have unaccomplished policy goals and far more likely to have no idea how to accomplish those goals. They, consequently, are more likely to be willing to fall in line and vote as the caucus wishes.

A senior member, by contrast, is often as one popular musical suggested “a host unto himself.” Senior members have, first and foremost, enormous influence over the direction their caucuses take. Because of this, they risk comparatively little when they defect. Some degree of deviation from the caucus line can be tolerated in a senior member and the member may nevertheless be capable of counting on the caucus’ support. Additionally, senior members often need their caucuses far less than more junior members do. More junior members of the caucus are, as mentioned above, often wholly dependent on the resources the caucus offers them. Senior members are far less likely to be so helpless, and far more likely to have little that they need from their respective caucuses.

Therefore, the social cohesion argument suggested by Levy and others is called into question here. It is not that Levy was incorrect by proposing that this kind of social and political pressure operate in effective caucuses. It seems quite likely that Levy’s argument is also true of effective caucuses. Rather, Levy’s social and political cohesion argument does not apply here because the GLBC is not an example of an effective caucus. In this case, it is precisely those legislators who are most vulnerable to primary challenges, and who seem to have legislative agendas that they sincerely wish to address. Further, it is precisely those one would consider to be less susceptible to the sort of pressure Levy describes, who have remained more neutral or have remained with the rest of the caucus. By way of example, consider those who neither supported nor opposed this legislation. Mack Johnson and Jordan Darryl had both been representatives for longer than ten years—hardly junior legislators by this point. Al Williams had been a representative for fifteen years. Moreover, Mack Johnson and Jordan Darryl do not have any apparent legislative agenda for which they might have been preserving their political capital; they have been relatively reluctant to sponsor legislation. All of this strongly suggests that Levy’s theory of the operation of caucuses does not apply here because the political mechanisms enforcing order within the GLBC are in some way deficient.

There is another point that is worth bringing up here: the sponsor of this bill from the GLBC is a very senior member of the caucus, having been in the House for over 20 years. Her personal political influence should translate to a great deal of consistent support from members of her own caucus. As Ferber points out, senior representatives are to some extent immune from the pressures that caucuses can exert — but in addition, they are themselves a source of advantage that a caucus can offer to its junior members.
Where a caucus’ senior representatives receive such lackluster support from the more junior members of the caucus, it can hardly be said that cohesion is evident.

**Evaluation for Second Constituency**

Despite the lack of cohesion, it is entirely possible that the second constituency narrative is still valid. It is for this reason that the paper discussed the arguments for and against increased punishment of carjacking perpetrators from the perspective of black legislators. It is entirely possible that even if the caucus is deficient as a political mechanism, its members are themselves ideologically consistent and see black Georgians, in general, as their constituents.

An opposition to this bill is, of course, entirely consistent with the sincere desire to improve the lot of black Georgians and with a concern for the effects of increasing criminalization and the costs of extended incarceration. There are quite substantial human costs to incarceration, one of them being an increase in antisocial behaviors in those who are incarcerated with dangerous or career criminals. Another cost is the thought that this policy, while it does isolate the potentially dangerous offender from society, it likely has no effect at all on deterrence of potential criminals and any effect of rehabilitation. Support for this bill is similarly consistent with such a desire. It is tempting to condemn those who advocate for more strict enforcement and higher penalties as a way of combating criminality in poor neighborhoods primarily inhabited by black families. But to do this is to ignore the sincere concern for the lot of those families that often — perhaps even usually motivates such rhetoric.
However, the case in review fails to rebut the hypothesized second constituency, argument. The fact is that the GLBC did not vote with the sort of consistency that might demonstrate that they were united by a shared motive that was not common to the rest of the legislature; black members in and outside of the caucus voted on both sides of this bill; it is difficult to argue that one side is clearly better than the other. Nor is there any sort of amendment history to this bill targeted at the concerns of either side; neither enhanced punishments if the crime occurs in a high-crime zone nor a recommended alternative sentencing program, nor anything else of the kind.

9. This is not to say that the sides are equally as good as each other for black interests; it is only intended to say that it is impossible to make the case that legislators on one side or another knew they were acting against black interests.
CHAPTER V
CONCLUSION

There are a few lessons that we wish to highlight that can be drawn from the present case study. The first is that the GLBC is not especially effective at enforcing cohesion when it comes to issues that have a great impact on black voters in Georgia.

The first reason for this is that very few roll call votes in the Georgia House (and even fewer in the Senate) are even this divided. In a legislature in which there are many, many fiercely divided roll call votes, we might expect some of the fractures to occur within caucuses. This is not such a case; the majority of the business in the House occurs with general agreement about the right thing that should be being done. Where there is disagreement in the House, one would expect a functioning caucus to successfully enforce agreement within its own membership, to support particular bills.

The second reason that this is not likely to be an aberration is that votes are not random or unconsidered phenomena. As the deviation associated with an event decreases, so too do the odds that a randomly-chosen instance of the event becomes an outlier. Votes are carefully-considered things, cast with the knowledge that they may determine whether the vote-caster will be re-elected or not. In such a context, it is somewhat unlikely that a particular roll call will be a dramatic outlier.

The third reason presents a natural to the true conclusion of this paper: the avenues for future research. As one might expect, there was fierce disagreement within
the Georgia General Assembly, with approximately 100 votes in favor and 60 votes against.¹ As one might be much more surprised to find out, the GLBC was nearly evenly split on this issue. This becomes quite shocking when one realizes that, the discussion earlier on the competing perspectives that surround the use of criminal punishment as a remedy for violence and crime within black communities, there is really no coherent argument that such a change would be a good thing—or even a neutral thing—for black communities, especially those whose schools are already suffering. A more thorough examination of this case is not within the scope of this investigation.

Future investigations may extend into sessions before 2011 and determine the historical nature of this rupture. Additionally, a statistical analysis of data could be useful. The division in 2011 is by far more significant than the division here, but the defecting parties in the case examined here were not the parties that defected from the GLBC majority in 2011, so it is difficult to say for certain precisely what influence the two events have had on the caucus.

Voters expect for their representatives to do something about the crime in their neighborhoods. Yet, just like this dis-joined neighborhood, the GLBC is just as divided as their constituents. The GLCB has the job of creating unity among the members – an aspect that was questionable during this observation. Upon observation, the GLBC is unified, except when it comes to issues that largely impact black Georgians found that a caucus that is no more unified than the body as a whole. Most times members of a caucus have similar ideology, a reason that members join a caucus to magnify their own ideas

and beliefs. Yet, caucuses have the power to also bring unity across partisan lines, creating unity in spite of political affiliation. However, the disunity demonstrated within the GLBC did not support this premise.

As a participant observer, the researcher witnessed the disjointedness of the GLBC first hand, and so did the rest of the House while debating the bill. While the importance and the need for this need is not under question—rather the way in which it was debated. People have varying beliefs about whether or not harsher punishments actually deter criminal behavior. Everyone is entitled to their opinion, opinions that are formed and molded based on personal experiences. While these opinions may be different, these individuals may also have the same overall ideals and goals, publicly debating the intricacies of individual beliefs. It did not instill confidence in me as to the ability of the caucus to represent the interests of black Georgians after witnessing how they argued with each other. These discussions are best reserved for internal discussion, and a unified front would be displayed publicly, one that is politically advantageous, especially when the legislation in question seems highly likely to pass.\(^2\) Additionally, the reason for the GLBC is to increase the political influence of its members; unfortunately, these types of contradictions in a public forum to the exact opposite for the individual members. I thought the reason for the GLBC was to show unity among members, despite political affiliation, yet they demonstrated the exact opposite. I wonder if they had had any previous meetings in regard to this bill and this issue. If so, many of these grievances and differences of opinions would have been aired out in a closed forum that would have

allowed them to present a united front during session. Even though each member has the right to vote however he or she sees fits, the public debate would have been kept to a minimum and would not have created the tension in the room between the entire session. It was actually painful to watch these members of the GLBC argue with each other and show the rest of the assembly that there was not any cohesion on the issue.

If the purpose of the GLBC is to show cohesion, this session showed that is not the case. I came into this session having studied Ferber’s ideal that the reason for any caucus was to not only get different people together and agree not only when they have the same opinion, but rather it is more crucial to get them to agree when they have different opinions because this allows the caucus to have political influence when it is at a numerical disadvantage. Yet, as I found, the Ferberian approach is not an effective tool for the GLBC. It should have been using its collective power to barter for votes to pass, using its influence and numbers in such a way to get a bill passed, even when the initial numbers were not of the side of passing.

HB 67 was sponsored by five white republicans, one black Democrat and a senior member of the GLBC. While this is the ultimate outcome expected, the GLBC was fact less together on this matter than the entire House and other democrats. Unfortunately, I saw that the bargaining power of the GLBC was actually upended by its own actions. I have a hard time believing that if another bill or individual would come to the GLBC to act on its behalf after witnessing how the group functions. After witnessing this assemble.

The lack of cohesion witnessed from the GLBC, and a reason for it to not possibly gain cohesion can also be found from Levy and Stoudinger. According to Levy and Stoudinger, cohesion is created through both social factors and political ones and the senior members are those with the most influence, especially over junior members. Those who play by the rules, and connects with those who can help the junior legislator push his or her own agenda, will be those most susceptible to outside influence, especially getting reelected which, as Fenno suggested, is his foremost goal. It is the junior member who is susceptible to political pressure. As a newcomer, the junior member is in need of the caucus more than a senior member.

The senior member has been around awhile and has already established him- or herself and is not necessarily looking to win any brownie points. He or she has made a name and is not able to support the causes he or she is passionate about. The senior member is expected to deviate from the group, which was evident from the HB 67 assembly. It was a senior caucus member who supported the bill, which showed that that member was doing what he or she felt best for their constituents. On contrast to the Levy perspective, the senior member, with 20 years of experience did not influence the rest of the caucus. I saw that there were those who either opposed or supported this bill who were not junior members. Mack Johnson and Jordan Darryl have more than 10 years of experience each did not vote for or against HB67. Al Williams, who has more than 15 years of experience also did not vote. Research into Mack Johnson and Darryl Jordan did


not uncover any legislative agenda that they would be saving their political capital for. I did discover though that their records show that they have been hesitant is sponsoring any legislation. From this, I cannot apply Levy’s theory about the way caucuses operate to the GLBC, because after what I experienced, there seems to be something missing.

It was also interesting and unsettling to see members of the caucus not support in any way a senior member. It would have been one thing for the junior members to have voted against the bill, it could have meant that they just did not agree with the harsher penalties called for in the bill. It is another issue entirely when one sees the lack of support, or lack of any response from the other members of the caucus. Not only is the caucus working to achieve a type of unified front that will benefit the people, they are not acting at all to the benefit of anyone. After this experience, one may wonder if any of the other state black caucuses are working to present a unified front, with individuals working to create a workable government that takes all its citizens into consideration and not let outside influences, or even internal ones, prevent work from being done.

On the whole, I assess that this has been a moderately successful investigation. The case used was chosen because it had the potential to represent a powerful confirmation of GLBC cohesion and the existence of a second constituency. I was not genuinely expecting the lack of cohesion that was found, and so I was not prepared with a case that had the potential to disconfirm the second constituency narrative. With that said, I believe this case study is valuable regardless because the case that I used provides a good primer on how the second constituency narrative can be compatible at times with
legislators on both sides of a particular issue, and it would be improper to rule out the possibility that both sides sincerely have the interests of black constituents at heart.
APPENDIX

GEORGIA LEGISLATURE BLACK CAUCUS: MISSION AND PURPOSES

Interviews were conducted on four people: two male and two female. All the people interviewed were African Americans below the age of 50 years with the mean age being 36 years. The purpose of the interview was to understand from the respondents what they feel is the mission and vision of the Georgia Legislature Black Caucus. The people interviewed were (not their real names) James, John, Mary, and Jael.

According to Mary, the mission of the Georgia Legislature Black Caucus is for the African American legislators to understand the challenges affecting the community. Through this they are able to initiate legislations and discussions that can help improve the welfare of African Americans.1

According to James, the Georgia Legislature Black Caucus has the vision and mission of ensuring that the black community enjoys the rights of equality and justice. James feels that the Georgia Legislature Black Caucus is working to ensure there is a close working relationship between the legislature and members of the black community.

According to John, the Georgia Legislature Black Caucus has the mission of vision of asserting the power of the black vote. This is an issue that has to be taken with the seriousness it deserves in order to ensure that members of the African-American

community have access to some of the services that they need. John therefore believes that Georgia Legislature Black Caucus works to set high standards for legislators and other persons aspiring political offices.

According to Jael, the mission and vision of the Georgia Legislature Black Caucus is to promote collaboration and relationship between the African-American community in Georgia and other agencies involved in improving the social welfare of the community. Some of the stakeholders include advocates, community leaders and members, elected officials and aspiring officials.² Jael also feels that the Georgia Legislature Black Caucus has the additional mission of engaging in citizen education in order to create good citizens who understand the law and are ready to follow the law in all that they do.


